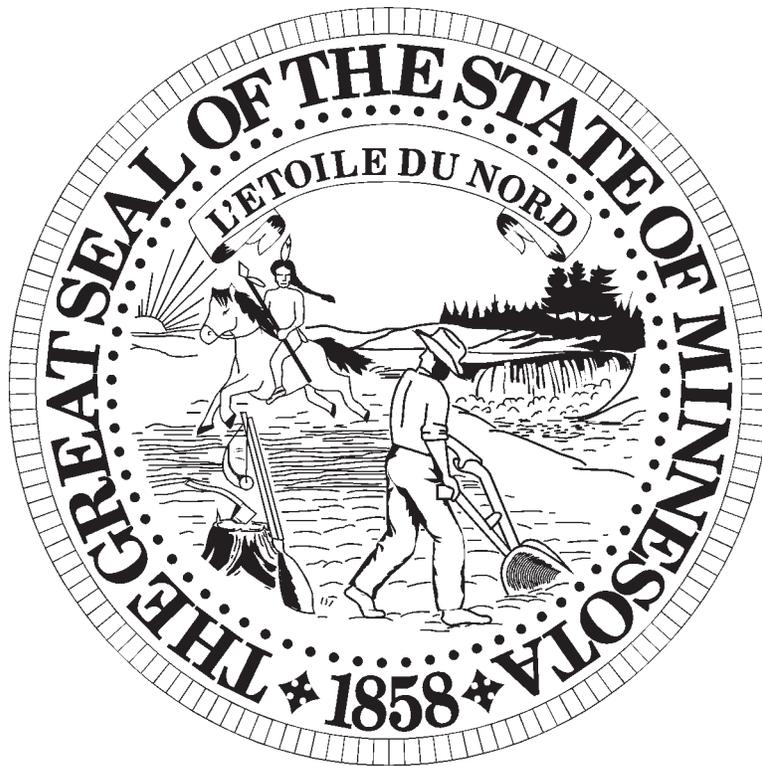


State of Minnesota

State Register



Rules and Official Notices Edition

Published every Monday (Tuesday when Monday is a holiday)
by the Department of Administration – Communications Media Division

Monday 10 July 2006
Volume 31, Number 2
Pages 21 - 52

State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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Printing Schedule and Submission Deadlines

Vol. 31 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
# 2	Monday 10 July	NOON MONDAY 3 JULY	Noon Wednesday 28 June
# 3	Monday 17 July	Noon Tuesday 11 July	Noon Wednesday 5 July
# 4	Monday 24 July	Noon Tuesday 18 July	Noon Wednesday 12 July
# 5	Monday 31 July	Noon Tuesday 25 July	Noon Wednesday 19 July

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USPS Publication Number: 326-630 (ISSN: 0146-7751)

THE STATE REGISTER IS PUBLISHED by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at main branch county libraries in Minnesota and all "State Depository Libraries:" State University and Community College libraries; University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and Library Development Service at the State Department of Education.

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Administration

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Board of Dentistry

Proposed Permanent Rules Relating to Licensure

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Permanent Rules Relating to Terms and Renewal of Licensure and Registration, Administration of General Anesthesia, Conscious Sedation, and Nitrous Oxide Inhalation Analgesia, Professional Development, Audit Process of Portfolio, Registered Dental Assistants, and Dental Hygienists, Minnesota Rules, parts 3100.0100, 3100.1400, 3100.1700, 3100.3600, 3100.5100, 3100.5300, 3100.8100, 3100.8500, and 3100.8700

Introduction. The Minnesota Board of Dentistry intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, August 9, 2006, a public hearing will be held in 4th Floor Conference Room A, University Park Plaza, 2829 University Avenue SE, Minneapolis, Minnesota 55414, starting at 9:00 a.m. on Friday, September 1, 2006. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 9, 2006 and

Proposed Rules

before September 1, 2006.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Kathy Johnson at Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue SE, Suite 450, Minneapolis, Minnesota 55414-3249, phone: (612) 617-2554 or (888) 240-4762 (outside metro), Fax: (612) 617-2260. Minnesota Relay Service for hearing impaired: (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules involve the following areas: definitions; licensure by credentials; renewal procedures; administration of general anesthesia, conscious sedation, and nitrous oxide; professional development; auditing of professional development portfolios; duties and levels of supervision relating to dental hygienists, registered dental assistants, and dental assistants with a limited registration; and other minor technical corrections in existing rules.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 150A.04, subdivision 5. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, August 9, 2006, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, August 9, 2006. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for Friday, September 1, 2006, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (612) 617-2554 after August 9, 2006, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Barbara Neilson can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7604, and **fax:** (612) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to

14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

A copy of the Dual Notice and proposed rules shall be mailed to everyone who has registered to be on the Board of Dentistry's rulemaking mailing list under *Minnesota Statutes*, section 14.14, subdivision 1a; and

A copy of the Dual Notice, proposed rules, and the Statement of Need and Reasonableness shall be mailed to the Legislature according to *Minnesota Statutes*, section 14.116.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: June 27, 2006

Marshall Shragg, Executive Director
Minnesota Board of Dentistry

3100.0100 DEFINITIONS.

[For text of subs 1 and 2, see M.R.]

Subp. 2a. **Advanced cardiac life support or**

ACLS. "Advanced cardiac life support" or "ACLS" refers to an advanced educational course for a health care provider that teaches a detailed medical protocol for the provision of lifesaving cardiac care in settings ranging from the prehospital environment to the hospital setting. The course must include advanced airway management skills, cardiac drug usage, defibrillation, and arrhythmia interpretation. An ACLS certificate must be obtained through the American Heart Association, the American Red Cross, or an equivalent course.

Subp. 2b. **Analgesia.** "Analgesia" means the loss, diminution or elimination of pain sensation without the loss of consciousness as a result of the administration of a pharmacological agent, including, but not limited to, local anesthetic, nitrous oxide, and pharmacological and nonpharmacological methods. Dose or dosages must be administered consistent with accepted drug references or publications.

Subp. 2b: 2c. **Anxiolysis.** "Anxiolysis" means the process of reducing anxiety, fear, apprehension, and other forms of neurosis in which anxiety dominates the patient's mood by the administration, utilization of a pharmacological agent that does not impair the patient's ability to maintain normal mental abilities and vital functions or nonpharmacological methods to reduce patient anxiety including, but not limited to, behavior management, nitrous oxide, and single dose oral anxiolytic or analgesic medications administered in doses consistent with accepted drug references or publications.

[For text of subs 3 to 7a, see M.R.]

Subp. 8. **Commission on Accreditation.** "Commission on Accreditation" means the Commission on Dental Accreditation of the American Dental Association or a successor organization.

Subp. 8a. **Conscious sedation.** "Conscious sedation" means a minimally depressed level of consciousness induced by the administration of produced by a pharmacological agent or nonpharmacological method or a combination thereof that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command. Dose or dosages must be administered consistent with accepted drug references or publications.

[For text of subs 8b and 9, see M.R.]

Subp. 9a. **CPR.** "CPR" refers to a comprehensive course for a health care provider that includes: cardiopulmonary resuscitation on an adult, child, and infant; two-person rescuer; barrier mask or bag for ventilation; foreign body airway obstruction; and automated external

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defibrillation. A CPR certificate shall be obtained through a course equivalent to the American Heart Association health care provider course or, the American Red Cross professional rescuer course, or an equivalent course.

[For text of subs 9b to 11a, see M.R.]

Subp. 11b. **Enteral.** “Enteral” means a technique of administration in which the agent is absorbed through the gastrointestinal tract or oral mucosa, such as with oral, rectal, or sublingual administration.

~~Subp. 11c. **Faculty dentist.** “Faculty dentist” has the meaning given it in *Minnesota Statutes*, section 150A.01, subdivision 6a.~~

~~Subp. 11d. **Fundamental activities.** “Fundamental activities” means those activities directly related to the provision of clinical dental services.~~

~~Subp. 12a. **General anesthesia.** “General anesthesia” means a ~~controlled~~ an induced state of ~~depressed consciousness~~ unconsciousness produced by a pharmacological agent or nonpharmacological method or a combination thereof and accompanied by a partial or complete loss of protective reflexes, including the inability to continually maintain an airway independently and respond purposefully to physical stimulation or verbal commands. General anesthesia is synonymous with the term “deep sedation.” Dose or dosages must be administered consistent with accepted drug references or publications.~~

[For text of subp 12b, see M.R.]

~~Subp. 12c. **Inhalation.** “Inhalation” means a technique of administration in which the gaseous or volatile agent is introduced into the pulmonary tree and whose primary effect is due to absorption through the pulmonary bed.~~

[For text of subs 13 to 15a, see M.R.]

~~Subp. 15b. **Parenteral.** “Parenteral” means a technique of administration in which the drug bypasses the gastrointestinal tract, such as with intramuscular, intravenous, intranasal, submucosal, subcutaneous, or intraocular administration.~~

[For text of subs 16 to 18b, see M.R.]

~~Subp. 21. **Supervision.** “Supervision” means one of the following levels of supervision, in descending order of restriction:~~

[For text of items A to C, see M.R.]

~~D. “General supervision” means the dentist has authorized the procedures and they are being carried out in accordance with the dentist’s diagnosis and treatment plan; supervision of tasks or procedures that do not require the presence of the dentist in the office or on the premises at the time the tasks or procedures are being performed but require the tasks be performed with the prior knowledge and consent of the dentist.~~

~~Subp. 22. **Transdermal or transmucosal.** “Transdermal” or “transmucosal” means a technique of administration in which the drug is administered by patch or iontophoresis.~~

3100.1400 APPLICATION FOR LICENSURE BY CREDENTIALS.

Any person who is already a licensed dentist or dental hygienist in another state or Canadian province desiring to be licensed to practice dentistry or dental hygiene in Minnesota shall, in order to demonstrate the person’s knowledge of dental subjects and ability to practice dentistry or dental hygiene in Minnesota, comply with the requirements in items A to N.

[For text of items A and B, see M.R.]

~~C. An applicant for licensure as a dentist must have been in active practice in another state, Canadian province, or United States government service for at least three of the four years 2,000 hours within 36 months prior to the board receiving a completed application and must submit at least three references from other practicing dentists.~~

~~D. An applicant for licensure as a dental hygienist must have been in active practice in another state, Canadian province, or United States government service for at least one of the two years 2,000 hours within 36 months prior to the board receiving a completed application. The applicant must submit at least two character references from dentists and two references from practicing dental hygienists.~~

[For text of items E to L, see M.R.]

~~M. An applicant shall provide satisfactory evidence that during the five years adequate documentation of attained professional development or continuing dental education for the 60 months preceding the date of application, the applicant has completed a minimum of five clinical hours of continuing dental education in the subject of infection control, including blood borne diseases. An applicant submitting an application after June 30, 1994, and before July 1, 1999, shall provide evidence of having completed one hour of education for each year after June 30, 1994.~~

~~N. An applicant may apply for licensure by credentials only once within any fiveyear period of time.~~

3100.1700 TERMS AND RENEWAL OF LICENSURE AND REGISTRATION; GENERAL.

[For text of subs 1 to 1b, see M.R.]

~~Subp. 2. **Renewal applications.** Each dentist, dental hygienist, registered dental assistant, or dental assistant with a limited registration under part 3100.8500, subpart 3, shall submit an application for biennial renewal of a license or registration together with the necessary fee no later than the last day of the licensee’s or registrant’s birth month which serves as the application deadline. Applications for renewal~~

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are considered timely if received by the board or postmarked no later than ~~ten business days after~~ the last day of the licensee's or registrant's birth month. The application form must provide a place for the renewal applicant's signature certifying compliance with the applicable professional development requirements and information to include but not be limited to the applicant's office address or addresses, the license number or registration certificate number, whether the licensee or registrant has been engaged in the active practice of dentistry during the two years preceding the period for which renewal is sought as a licensee or registrant, and if so, whether within or without the state, and such other information which may be reasonably requested by the board.

[For text of subs 3 to 5, see M.R.]

3100.3600 TRAINING AND EDUCATIONAL REQUIREMENTS TO ADMINISTER ADMINISTRATION OF GENERAL ANESTHESIA AND, CONSCIOUS SEDATION, AND NITROUS OXIDE INHALATION ANALGESIA.

Subpart 1. **Prohibitions.** Dental hygienists or registered dental assistants may not administer general anesthesia or conscious sedation.

Subp. 2. **General anesthesia; educational training requirements.** A dentist may administer ~~a pharmacological agent for the purpose of~~ general anesthesia only pursuant to items A to C.

A. ~~Beginning January 1, 1993, A dentist may administer a pharmacological agent for the purpose of general anesthesia only after satisfactorily completing the requirements in subitem (1) or (2) in addition to the requirements in subitem (3):~~ must complete an ACLS and maintain current ACLS certification thereafter and complete:

[For text of subitem (1), see M.R.]

(2) a one-year residency in general anesthesia at an institution certified by the American Society of Anesthesiology, the American Medical Association, or the Joint Commission on Hospital Accreditation, resulting in the dentist becoming clinically competent in the administration of general anesthesia. The residency must include a minimum of 390 hours of didactic study, 1,040 hours of clinical anesthesiology, and 260 cases of administration of general anesthesia to an ambulatory outpatient; ~~and,~~

~~(3) an advanced cardiac life support course and, at least every two years, an advanced or basic cardiac life support course recognized by the American Heart Association, the American Red Cross, or other agencies whose courses are equivalent to the American Heart Association or American Red Cross courses.~~

B. A dentist shall be prepared and competent to diagnose, resolve, and reasonably prevent any untoward reaction or medical emergency that may develop any time after the administration of general anesthesia. A dentist shall apply the current standard of care to continuously monitor and evaluate a patient's blood pressure, pulse, respiratory function, and cardiac activity. The current standard of care to assess respiratory function shall require the monitoring of tissue oxygenation or the use of a superior method of monitoring respiratory function.

C. A dentist shall administer ~~a pharmacological agent for the purpose of~~ general anesthesia only by application of the appropriate systems and drugs for the delivery of general anesthesia. Prior to ~~discharging the patient, the dentist shall ensure that the effects of the medication have sufficiently dissipated to a level where inoffice monitoring is no longer required:~~ discharge, the dentist or the person administering the general anesthesia shall assess the patient to ensure the patient is no longer at risk for cardiorespiratory depression. The patient must be discharged into the care of a responsible adult.

Subp. 3. **Conscious sedation; educational training requirements.** A dentist may administer ~~a pharmacological agent for the purpose of~~ conscious sedation only pursuant to items A to C.

A. ~~Beginning January 1, 1993, A dentist may administer a pharmacological agent for the purpose of conscious sedation of a patient only after satisfactorily completing~~ must complete:

(1) a course of education resulting in the dentist becoming clinically competent for administration of conscious sedation, ~~with to~~ include a minimum of 60 hours of didactic education in both enteral and parenteral administration, 24 hours of clinical experience, and personally administering and managing at least ten individual supervised cases of ~~administration of~~ parenteral conscious sedation, and having the instructor submit to the board documentation of successful completion of the course; and

(2) ~~an advanced cardiac life support course and, at least every two years, complete an advanced or basic cardiac life support course recognized by the American Heart Association, the American Red Cross, or other agencies whose courses are equivalent to the American Heart Association or American Red Cross courses~~ an ACLS and maintain current ACLS certification thereafter.

B. A dentist shall be prepared and competent to diagnose, resolve, and reasonably prevent any untoward reaction or medical emergencies that may develop any time after rendering a patient in the state of conscious sedation. ~~A~~ The dentist shall apply the current standard of care to continuously monitor and evaluate a patient's blood pressure, pulse, respiratory function, and cardiac activity. The current standard of care to assess respiratory function shall require the monitoring of tissue oxygenation or the use of a superior method of monitoring respiratory function.

C. A dentist shall administer ~~a pharmacological agent for the purpose of~~ conscious sedation only by application of the appropriate systems and drugs for the delivery of conscious sedation. Prior to ~~discharging the patient, the dentist shall ensure that the effects of the medication have sufficiently dissipated to a level where inoffice monitoring is no longer required:~~ discharge, the dentist or the person administering the conscious sedation shall assess the patient to ensure the patient is no longer at risk for cardiorespiratory depression. The patient must be discharged into the care of a responsible adult.

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Subp. 4. **Nitrous oxide inhalation analgesia; educational training requirements.** A dentist may administer nitrous oxide inhalation analgesia only pursuant to items A to D and subpart 5, items A to C. A dental hygienist may administer nitrous oxide inhalation analgesia only pursuant to items C to E and subpart 5, item D. A registered dental assistant may administer nitrous oxide inhalation analgesia only after a maximum dosage has been prescribed by a dentist for a specific patient, and it is administered pursuant to items C, D, and E and subpart 5, item D.

[For text of item A, see M.R.]

B. ~~Beginning January 1, 1993;~~ A dentist who has not previously registered with the board pursuant to subpart 5, item A, may administer nitrous oxide inhalation analgesia only after satisfactorily completing a dental school or postdental graduate education course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation, and submission by the instructor to the board documentation of successful completion of the course. The course must include a minimum of ~~16~~ 12 hours of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

C. A dentist, dental hygienist, or registered dental assistant must, ~~at least every two years, complete an advanced or basic cardiac life support course recognized by the American Heart Association, the American Red Cross, or another agency whose courses are equivalent to the American Heart Association or American Red Cross courses~~ CPR and maintain current CPR certification thereafter.

D. A dentist, dental hygienist, or registered dental assistant ~~may~~ must only use failsafe anesthesia equipment capable of positive pressure respiration.

E. A dental hygienist or registered dental assistant may administer nitrous oxide inhalation analgesia only after satisfactorily completing a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation, and submission by the instructor to the board documentation of successful completion of the course. The course must include a minimum of ~~16~~ 12 hours of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using failsafe anesthesia equipment capable of positive pressure respiration.

F. A dental hygienist or registered dental assistant may administer nitrous oxide inhalation analgesia under the appropriate level of supervision by a dentist who is current with the requirements to administer nitrous oxide inhalation analgesia pursuant to items A to D and subpart 5, items A to C.

Subp. 5. **Notice to board.** ~~A dentist who administers a pharmacological agent for the purpose of general anesthesia, conscious sedation, or nitrous oxide inhalation analgesia shall submit to the board the information in items A to C.~~

A. A dentist who is administering ~~pharmacological agents for the purpose of general anesthesia or conscious sedation or who is administering nitrous oxide inhalation analgesia~~ shall inform the board of that fact on forms provided by it ~~no later than July 27, 1992. If the dentist begins doing so after July 27, 1992, the dentist shall inform the board of that fact on forms provided by it.~~

B. ~~Beginning January 1, 1993;~~ A dentist may administer ~~pharmacological agents for the purpose of general anesthesia or conscious sedation~~ only if the dentist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dentist took the program or residency that complies with subparts 2, item A, subitem (1) or (2); and 3, item A, subitem (1), a certified copy of the dentist's transcript or other official record from the institution verifying that the dentist satisfactorily completed the program, residency, or course; and the name, address, and telephone number of the institution or other agency at which the dentist successfully completed the ~~advanced cardiac life support course~~ ACLS required by subparts 2, item A, subitem (3); and 3, item A, subitem (2). After this initial submission, dentists shall submit on their license renewal application or other form provided by the board a statement of the most recent course completed in ~~advanced or basic cardiac life support~~ ACLS.

C. ~~Beginning January 1, 1993;~~ A dentist not previously registered with the board pursuant to ~~subpart 5, item A;~~ may administer nitrous oxide inhalation analgesia only after the dentist has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dentist took the course that complies with subpart 4, item B; a certified copy of the dentist's transcript or other official record from the institution verifying that the dentist has successfully completed ~~an advanced or basic cardiac life support course~~ CPR as required by subpart 4, item C. After this initial submission, a dentist shall submit on the license renewal application or other form provided by the board a statement of the most recent course completed in ~~advanced cardiac life support or basic cardiac life support~~ CPR.

D. A dental hygienist or registered dental assistant who graduated from an institution in Minnesota accredited by the Commission on Accreditation or received licensure by credentials prior to September 2, 2004, may administer nitrous oxide inhalation analgesia only after the dental hygienist or registered dental assistant has submitted the following information to the board on forms provided by it: the name, address, and telephone number of the institution at which the dental hygienist or registered dental assistant successfully completed the course required by subpart 4, item E; and a certified copy of the dental hygienist's or registered dental assistant's transcript or other official record from the institution verifying that the dental hygienist or registered dental assistant has successfully completed ~~the advanced or basic cardiac life support course~~ CPR as required by subpart 4, item E C. After this initial submission, the dental hygienist or registered dental assistant shall submit on the license renewal application or other form provided by the board a statement of the most recent course completed in ~~advanced or basic cardiac life support~~ CPR.

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Subp. 6. **Analgesia.** A dentist may administer ~~a pharmacological agent for the purpose of~~ analgesia provided the dentist has a current license to practice dentistry in Minnesota.

Subp. 7. **Anxiolysis.** A dentist may administer ~~a pharmacological agent for the purpose of~~ anxiolysis provided the dentist has a current license to practice dentistry in Minnesota.

Subp. 8. **Reporting of incidents required.** A dentist ~~or, dental hygienist shall, or registered dental assistant must~~ report to the board any incident that arises from the administration of nitrous oxide inhalation analgesia ~~or of a pharmacological agent for the purpose of,~~ general anesthesia, conscious sedation, local anesthesia, analgesia, or anxiolysis that results in:

A. a serious or unusual outcome that produces a temporary or permanent physiological injury, harm, or other detrimental effect to one or more of a patient's body systems; or

B. anxiolysis unintentionally becoming conscious sedation or general anesthesia when the licensee does not have a certificate for administering general anesthesia or conscious sedation as described in subpart 9.

The report ~~shall must~~ be submitted to the board on forms provided by it within ten business days of the incident by the dentist, dental hygienist, or registered dental assistant, even when another licensed health care professional who, under contract or employment with the dentist, was the actual person administering the analgesia or pharmacological or nonpharmacological method. A licensee or registrant who fails to comply with reporting of incidents is subject to disciplinary proceedings on grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1.

Subp. 9. General anesthesia/conscious sedation certificate.

A. The board may contract with advisory consultants as necessary for advice and recommendations to the board on requirements for general anesthesia/conscious sedation certification and approval of an applicant and facility.

B. To administer general anesthesia or conscious sedation, a dentist must obtain a certificate from the board for the requested procedure. Failure by a dentist to obtain an appropriate certificate subjects the dentist to disciplinary proceedings on grounds specified in parts 3100.6100 and 3100.6200 and Minnesota Statutes, section 150A.08, subdivision 1. Certificate issuance is governed by subitems (1) to (9).

(1) A board-approved application form to obtain an initial general anesthesia or conscious sedation certificate must be filled out completely and submitted to the board along with the appropriate nonrefundable fee described in Minnesota Statutes, section 150A.091, subdivision 11. An application form must include, but not be limited to, information on office facilities, support staff training, emergency protocols, monitoring equipment, and recordkeeping procedures.

(2) A dentist is not required to possess an additional certificate for conscious sedation if the dentist possesses a valid certificate for general anesthesia.

(3) A dentist holding a current general anesthesia or conscious sedation certificate on the effective date of this part is considered by the board to be in compliance with this subpart until the expiration and required renewal of the certificate as described in subitem (5).

(4) Upon receipt of an application for an initial general anesthesia or conscious sedation certificate, the board shall require that the dentist undergo an onsite inspection or further review of the dentist's anesthesia/sedation credentials. The board may direct an anesthesia consultant or qualified anesthetic practitioner who has been approved by the board and provided with board-established guidelines to assist in the inspection or review.

(5) For renewal of a general anesthesia or conscious sedation certificate, a board-approved application form must be obtained from the board and completed by the dentist whenever the dentist is subject to license renewal as described in part 3100.1700, subpart 2. An application form must include, but not be limited to, information on office facilities, support staff training, emergency protocols, monitoring equipment, and record-keeping procedures. A dentist's certificate to administer general anesthesia or conscious sedation expires if the completed application and the appropriate nonrefundable fee as described in Minnesota Statutes, section 150A.091, subdivision 11, are not received by the board by the application deadline.

(6) Upon receipt of an application for renewal of a general anesthesia or conscious sedation certificate, the board may require that the dentist undergo an on-site inspection or further review of the dentist's anesthesia/sedation credentials. The board may direct an anesthesia consultant or qualified anesthetic practitioner who has been approved by the board and provided with board-established guidelines to assist in the inspection or review.

(7) Upon granting an application, receiving payment of the required fee, and, if required, receiving notice of having successfully passed an on-site inspection and evaluation, the board shall issue a general anesthesia or conscious sedation certificate to the dentist.

(8) Each dentist shall submit with a request for issuance of a duplicate of the general anesthesia or conscious sedation certificate the appropriate nonrefundable fee as described in Minnesota Statutes, section 150A.091, subdivision 12.

(9) A certificate issued by the board must be conspicuously displayed in plain sight of patients in every office in which the dentist administers general anesthesia or conscious sedation.

Subp. 10. Practice and equipment requirements.

A. Dentists who administer general anesthesia or conscious sedation or who provide dental services to patients under general anesthesia or conscious sedation must ensure that the practice requirements in subitems (1) to (3) are followed.

(1) A dentist who employs or contracts another licensed health care professional, such as a dentist, nurse anesthetist, or physician

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anesthesiologist, with the qualified training and legal qualification to administer general anesthesia or conscious sedation must notify the board that these services are being provided in the office facility. The dentist is also responsible for maintaining the appropriate facilities, equipment, emergency supplies, and a record of all general anesthesia or conscious sedation procedures performed in the facility.

(2) An individual qualified to administer general anesthesia or conscious sedation, who is in charge of the administration of the anesthesia or sedation, must remain in the operatory room to continuously monitor the patient once general anesthesia or conscious sedation is achieved and until the patient returns to a level one consciousness.

(3) A dentist administering general anesthesia or conscious sedation to a patient must have in attendance personnel who are currently certified in CPR.

B. Dentists who administer general anesthesia or conscious sedation or who provide dental services to patients under general anesthesia or conscious sedation must ensure that the offices in which it is conducted have the following equipment:

(1) an automated external defibrillator or full function defibrillator that is immediately accessible;

(2) a positive pressure oxygen delivery system and a backup system;

(3) a functional suctioning device and a backup suction device;

(4) auxiliary lighting;

(5) a gas storage facility;

(6) a recovery area;

(7) a method to monitor respiratory function; and

(8) a board-approved emergency cart or kit that must be available and readily accessible and includes the necessary and appropriate drugs and equipment to resuscitate a nonbreathing and unconscious patient and provide continuous support while the patient is transported to a medical facility. There must be documentation that all emergency equipment and drugs are checked and maintained on a prudent and regularly scheduled basis.

Subp. 11. **On-site inspection; requirements and procedures.** All offices in which general anesthesia or conscious sedation is conducted under the terms of this part must be in compliance with the requirements in items A to C. Besides these requirements, each office must be in compliance with the practice and equipment requirements described in subpart 10. The dentist is responsible for all costs associated with an on-site inspection.

A. Requirements for onsite inspections are as described in subitems (1) to (3).

(1) Each dentist who applies for an initial general anesthesia or conscious sedation certificate must have an on-site inspection conducted at one primary office facility within 12 months following receipt of a certificate from the board. Thereafter, each dentist must have an on-site inspection conducted at one primary office facility at least once every five years.

(2) Each dentist who holds an existing certificate must have an on-site inspection conducted at one primary office facility or provide proof to the board of having an inspection conducted within two years of the effective date of this part. Thereafter, each dentist must have an on-site inspection conducted at one primary office facility at least once every five years.

(3) A dentist must have an on-site inspection conducted at one primary office facility if the board receives a complaint alleging violation of this part and the board finds the complaint warrants further investigation according to disciplinary action.

B. If a dentist fails to meet the on-site inspection requirements because of extenuating circumstances, the dentist may apply for an extension of time to complete the requirements by making a written request to the board. The written request must include a complete explanation of the circumstances and the dentist's plan for completing the on-site inspection requirement. If an extension is granted after review, the board shall establish the length of the extension to obtain the onsite inspection requirements.

C. On-site inspection procedures are as described in subitems (1) to (3).

(1) The dentist must be notified in writing by the board if an on-site inspection is required and provided with the name of an anesthesia consultant or qualified anesthetic practitioner who is qualified to coordinate the inspection. The dentist may have an on-site inspection performed by another individual or organization or agency that has been approved by the board. The dentist must make arrangements for the scheduling or completion of the inspection within 30 calendar days of the date the notice is mailed.

(2) Within 30 calendar days following an on-site inspection, the dentist must direct the individual or organization or agency conducting the inspection to provide the board with the written results of the inspection.

(3) A dentist who fails an on-site inspection may have the general anesthesia or conscious sedation certificate suspended or be subject to disciplinary proceedings.

3100.5100 PROFESSIONAL DEVELOPMENT.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Professional development activities.** Professional development activities include, but are not limited to, continuing education, community services, publications, and career accomplishments throughout a professional's life. Professional development activities are categorized as fundamental or elective activities as described in items A and B.

A. Fundamental activities include, but are not limited to, clinical subjects, core subjects, and CPR training. Examples of fundamental

activities for an initial or biennial cycle are as described in subitems (1) to (4).

(1) Clinical subjects are those seminars, symposiums, lectures, college courses pertaining to basic sciences, or programs whose contents directly relate to the provision of dental care and treatment to patients.

(2) Core subjects are those seminars, symposiums, lectures, or programs that relate to public safety and professionalism. Each licensee or registrant shall complete a minimum of two of the categories of core subjects for each biennial cycle. Examples of core subject categories include, but are not limited to:

[For text of units (a) to (e), see M.R.]

(f) treatment and diagnosis (~~for dentists only~~).

[For text of subitems (3) and (4), see M.R.]

B. Elective activities for an initial or biennial cycle include, but are not limited to, the examples as described in subitems (1) to ~~(7)~~ (6):

[For text of subitems (1) to (4), see M.R.]

(5) dental practice management and communication courses include, but are not limited to, stress management, patient or staff motivation, computer, insurance claims or billing, foreign language, sign language, transferring patient records, Health Insurance Portability and Accountability Act (HIPAA) training, and patient abandonment; or

~~(6) college courses directly relating to the practice of dentistry, dental hygiene, or dental assisting such as chemistry, anatomy, microbiology, nutrition, pharmacology, or other basic sciences; or~~

~~(7) the board shall approve other additional elective activities if the board finds the contents of the activity to be directly related to, or supportive of, the practice of dentistry, dental hygiene, or dental assisting.~~

[For text of subs 4 and 5, see M.R.]

3100.5300 AUDIT PROCESS OF PORTFOLIO.

Subpart 1. **Auditing for compliance.** The board shall perform random audits of the portfolios. ~~Besides random audits, the board may conduct a designated portfolio audit for a licensee or registrant who is the subject of any complaint, investigation, or proceeding under Minnesota Statutes, sections 150A.08 and 214.10.~~ The licensee or registrant shall receive notification of being audited ~~after submission of the renewal application and fee.~~ Those licensees or registrants who are ~~randomly~~ selected for an audit shall provide their portfolio to the appropriate board committee within 60 days from the receipt notification date. Failure to comply with the audit documentation request or failure to supply acceptable documentation within 60 days may result in disciplinary action. After completion of an audit, the appropriate board committee shall officially notify the licensee or registrant by indicating the determination made regarding professional development compliance. All licensees or registrants are considered to be actively licensed or registered during the audit process.

[For text of subs 2 to 5, see M.R.]

3100.8100 EMPLOYING, ASSISTING, OR ENABLING UNLICENSED PRACTICE.

“Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry,” defined:

A. The phrase “employing, assisting, or enabling in any manner an unlicensed person to practice dentistry” as found in *Minnesota Statutes*, section 150A.08, subdivision 1, clause ~~(9) of the act~~ (11), shall include the practice by a licensed dentist in the same premises occupied by a dental laboratory or technician if such dental laboratory or technician advertises, solicits, represents, or holds itself out in any manner to the general public that it will sell, supply, furnish, construct, repair, or alter prosthodontic, orthodontic, or other devices or structures to be used as substitutes for, or as a part of natural teeth or jaws or associated structures or for correction of malocclusions or deformities, or who in any way violates the provisions of *Minnesota Statutes*, section 150A.11, subdivision 3; ~~of the act.~~

[For text of items B and C, see M.R.]

3100.8500 REGISTERED DENTAL ASSISTANTS.

Subpart 1. **Duties under general supervision.** A registered dental assistant may perform the following ~~duties if a dentist has authorized the procedures and the registered dental assistant performs the procedures in accordance with the dentist’s diagnosis and treatment plan in providing palliative treatment procedures without the dentist being present in the dental office or on the premises if the procedures being performed are with prior knowledge and consent of the dentist:~~

A. cut arch wires on orthodontic appliances;

B. remove loose bands on orthodontic appliances;

C. remove loose brackets on orthodontic appliances;

D. re-cement intact temporary restorations; ~~and~~

E. place temporary fillings, not including temporization of inlays, onlays, crowns, and bridges;

F. take radiographs;

G. take impressions for casts and appropriate bite registration, not to include impressions and bite registrations for final construction of fixed and removable prostheses; and

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H. deliver vacuum-formed orthodontic retainers.

Subp. 1a. **Duties under indirect supervision.** A registered dental assistant, in addition to the services performed by ~~the~~ an assistant as described in part 3100.8400, subpart 1, may perform the following services if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

~~A. take radiographs;~~

~~B. take impressions for casts and appropriate bite registration. Dental assistants shall not take impressions and bite registrations for final construction of fixed and removable prostheses;~~

~~C. apply topical medications that are physiologically reversible; such as, but not limited to, topical fluoride; bleaching agents; and cavity varnishes; all of which must be in appropriate dosages or quantities as prescribed by dentists a dentist;~~

~~D. B. place and remove rubber dam;~~

~~E. C. remove excess cement from inlays, crowns, bridges, and orthodontic appliances with hand instruments only;~~

~~F. D. perform mechanical polishing to clinical crowns not including instrumentation. Removal of calculus by instrumentation must be done by a dentist or dental hygienist before mechanical polishing;~~

~~G. E. preselect orthodontic bands;~~

~~H. F. place and remove periodontal dressings;~~

~~I. G. remove sutures;~~

~~J. H. monitor a patient who has been induced by a dentist into nitrous oxide inhalation analgesia;~~

~~K. I. place and remove elastic orthodontic separators;~~

~~L. J. remove and place ligature ties and arch wires on orthodontic appliances. A dentist must select and, if necessary, adjust arch wires prior to placement;~~

~~M. K. dry root canals with paper points;~~

~~N. L. place cotton pellets and temporary restorative materials into endodontic access openings; and~~

~~O. M. etch appropriate enamel surfaces, apply and adjust pit and fissure sealants. Before the application of pit and fissure sealants, a registered dental assistant must have successfully completed a course in pit and fissure sealants at a dental, dental hygiene, or dental assisting school accredited by the Commission on Accreditation; and~~

N. restorative procedures as permitted in Minnesota Statutes, section 150A.10, subdivision 4.

Subp. 1b. **Duties under direct supervision.** A registered dental assistant may perform the following services if a dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the auxiliary before dismissing the patient:

A. remove excess bond material from orthodontic appliances ~~with hand instruments;~~

B. remove ~~excess~~ bond material from teeth with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bond material, a registered dental assistant must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Accreditation;

[For text of items C to E, see M.R.]

F. place and remove matrix bands; ~~and~~

G. administer nitrous oxide inhalation analgesia in accordance with part 3100.3600, subparts 4 and 5;

H. attach prefit and preadjusted orthodontic appliances; and

I. remove fixed orthodontic bands and brackets.

Subp. 2. **Other duties prohibited.** No registered dental assistant may perform any other dental treatment or procedure on patients not otherwise authorized by these rules.

Subp. 3. **Limited registration.** A dental assistant, who by virtue of academic achievement which is equal to or greater than that of a registered dental assistant, and is currently qualified in Minnesota in an allied health profession may take dental radiographs under the ~~indirect general~~ supervision of a dentist if the person complies with the requirements of this subpart. The person shall file with the board a completed application furnished by the board and the fee prescribed in part 3100.2000, subpart 1. In addition, the person shall submit evidence of the successful completion of a course on dental radiographs and of passing an examination. The course must be board approved. The course shall be equivalent to the dental radiograph courses offered by dental assisting courses approved by the board under part 3100.1300, item B. The examination must be the radiograph part of the examination which is required of registered dental assistant applicants.

3100.8700 DENTAL HYGIENISTS.

Subpart 1. **Duties under general supervision.** A dental hygienist may perform the following ~~services if a dentist has authorized them and the hygienist carries them out in accordance with the dentist's diagnosis and treatment plan:~~ procedures without the dentist being present in the dental office or on the premises if the procedures being performed are with prior knowledge and consent of the dentist:

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[For text of items A and B, see M.R.]

C. preliminary charting of the oral cavity and surrounding structures to include case histories, ~~and perform initial and periodic examinations and assessments to make a dental hygiene diagnosis of periodontal charting (this does not infer the making of a diagnosis) status, and formulate a dental hygiene treatment plan in coordination with a dentist's treatment plan;~~

[For text of items D to F, see M.R.]

G. replacement, cementation, and adjustment of intact temporary restorations extraorally or intraorally; ~~and~~

H. removal of marginal overhangs;

I. ~~make referrals to dentists, physicians, and other practitioners in consultation with a dentist;~~

J. ~~administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia; and~~

K. ~~administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5.~~

Subp. 2. **Duties under indirect supervision.** A dental hygienist may perform ~~the following procedures~~ restorative procedures as permitted under *Minnesota Statutes*, section 150A.10, subdivision 4, if a dentist is in the office, authorizes the procedures, and remains in the office while the procedures are being performed:

A. ~~administer local anesthesia. Before administering local anesthesia, a dental hygienist must have successfully completed a didactic and clinical program sponsored by a dental or dental hygiene school accredited by the Commission on Accreditation, resulting in the dental hygienist becoming clinically competent in the administration of local anesthesia; and~~

B. ~~administer nitrous oxide inhalation analgesia according to part 3100.3600, subparts 4 and 5.~~

Subp. 2a. **Duties under direct supervision.** A dental hygienist may perform the following procedures if a dentist is in the office, personally diagnoses the condition to be treated, personally authorizes the procedure, and evaluates the performance of the dental hygienist before dismissing the patient:

[For text of items A to C, see M.R.]

D. place and remove matrix bands; ~~and~~

E. remove excess bond material from teeth with rotary instruments after removal of orthodontic appliances. Before utilizing rotary instruments for the removal of bond material, a dental hygienist must have successfully completed a course in the use of rotary instruments for the express purpose of the removal of bond material from teeth. The course must be one that is presented by a dental, dental hygiene, or dental assisting school accredited by the Commission on Accreditation;

F. ~~attach prefit and preadjusted orthodontic appliances; and~~

G. ~~remove fixed orthodontic bands and brackets.~~

Subp. 3. **Other duties prohibited.** No dental hygienist may perform any other dental treatment or procedure on patients not authorized by these parts.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Health

Adopted Permanent Rules Repealing Obsolete Rule Language

The rules proposed and published at *State Register*, Volume 30, Number 11, pages 270-271, September 12, 2005 (30 SR 270), are adopted with the following modifications:

REPEALER. *Minnesota Rules*, parts 4685.0935, subpart 2; 4685.2400; 4685.3300, ~~subparts 6, 7, and subpart 11;~~ 4736.0100; 4763.0310; 4763.0320; and 4763.0330, are repealed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules: 2006 Elk Season Quotas and Dates

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.433 and 97B.515.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed prior to setting quotas and bag limits for elk are not available until April. Quota numbers and bag limits are necessary so that harvests and populations can be managed and to allow applicants to evaluate where they want to apply. Because the elk season for 2006 will be divided (bull season and cow season), modifications to the application drawing procedure are needed to ensure fairness in the drawing between landowners and general hunters.

Dated: June 19, 2006

Gene Merriam, Commissioner
Department of Natural Resources

~~6232.4300 SEASONS AND~~ 2006 SEASON DATES AND QUOTAS FOR TAKING ELK.

Subpart 1. Taking elk. Elk may be taken by a licensed hunter using a legal firearm or a legal bow and arrow during seasons authorized by the commissioner.

Subp. 2. Season dates. Licensed hunters may take elk during the following seasons:

A. Season A: September 16 to 24, 2006;

B. Season B: November 18 to 26, 2006; and

C. Season C: December 2 to 10, 2006.

Subp. 3. Quotas. The number of available licenses for the 2006 elk hunting season is eight, distributed as follows:

A. Season A: two licenses valid for legal antlered bull elk only;

B. Season B: three licenses valid for legal antlerless elk only; and

C. Season C: three licenses valid for legal antlerless elk only.

Subp. 4. Open area. Licenses are valid for taking elk within the primary elk zone prescribed in part 6232.4600, subpart 1.

6232.4400 GENERAL REGULATIONS FOR TAKING ELK.

Subpart 1. **License requirement.** The license is valid for a party of one or two persons and only for the season selected through the procedure described in part 6232.4500, subpart 3.

[For text of subs 2 to 7, see M.R.]

6232.4500 ELK LICENSE APPLICATION PROCEDURE.

Subpart 1. **General provisions.** The provisions in this part apply to the elk license application process.

[For text of items A to D, see M.R.]

E. An application fee of \$20 in the form of a cashier's check, money order, or personal check made payable to the Minnesota Department of Natural Resources as prescribed in *Minnesota Statutes*, section 97A.433, subdivision 3, must accompany each application of ~~two hunters~~. Checks returned to the department for nonpayment will invalidate the application. Refunds of application fees will not be made for any reason.

Expedited Emergency Rules

F. Successful applicants will receive instructions for obtaining their licenses.

[For text of subp 2, see M.R.]

Subp. 3. Drawing procedure.

A. If one or more qualified landowners apply, a special drawing shall be held to first select one landowner. Seven more parties shall then be selected in a general drawing for a total of eight successful parties. If no qualified landowners apply, all eight licenses shall be drawn from the general pool of applicants.

B. From this pool of eight successful parties, a second drawing shall take place to determine which two parties receive the Season A bull licenses. The remaining six parties shall be issued antlerless licenses for Seasons B and C.

C. There shall also be alternate parties drawn from the pool of unsuccessful parties, consisting of the remaining landowners and the parties from the general drawing, in case successful parties decide not to purchase their permit. Alternate parties shall not be notified that they are an alternate party unless a successful party decides not to purchase a permit, in which event the alternate party may purchase an elk license.

6232.4600 ELK ZONES.

Subpart 1. **Primary Elk Zone.** The Primary Elk Zone consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 89 and Marshall County Road (CR) 145; thence along CR 145 to County State Aid Highway (CSAH) 6, Marshall County; thence along CSAH 6 to CR 133, Marshall County; thence along CR 133 to the northwest corner of Section 16, Township 157 North, Range 39 West; thence north along the west line of Sections 9 and 4, Township 157 North, Range 39 West, to the Moose River; thence along the southerly shore of said river to CR 706, Beltrami County; thence along CR 706 to its intersection with the east line of Section 5, Township 157 North, Range 38 West; thence along the east line of Sections 5 and 8, Township 157 North, Range 38 West to County Highway (CH) 701, Beltrami County; thence along CH 701 to the northwest corner of Section 5, Township 156 North, Range 38 West; thence along the line between Township 156 North and Township 157 North to the northeast corner of Section 2, Township 156 North, Range 39 West; thence along an unnumbered township road, Marshall County, that coincides with the line between Township 156 North and Township 157 North, to CSAH 53, Marshall County; thence along CSAH 53 to the southeast corner of Section 31, Township 157 North, Range 39 West; thence along the line between Township 156 North and Township 157 North to STH 89; thence along STH 89 to the point of beginning.

Subp. 2. **Secondary Elk Zone.** The Secondary Elk Zone consists of all of Marshall County east of State Trunk Highway (STH) 89, and that portion of Beltrami County lying within Northwood and Benville Townships (T157N, R38W and T156N, R38W) and may be opened in addition to the primary zone by written notification from the commissioner. Notification, if made, will be at the elk hunter orientation sessions at the Thief Lake Wildlife Management Area.

EFFECTIVE PERIOD: The emergency amendments to *Minnesota Rules*, parts 6232.4300, 6232.4400, 6232.4500, and 6232.4600, are effective through December 31, 2006. After the emergency amendments expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Pollution Control Agency

Commissioner's Order: Findings of Fact, Conclusions, and Order in the Matter of the Petition to Create the Wheeler's Point Sanitary District

Lake of the Woods County has petitioned the Minnesota Pollution Control Agency (MPCA) to approve the creation of the Wheeler's Point Sanitary District. The Chairman of Lake of the Woods County was authorized to sign the petition pursuant to resolutions passed by its body of government.

The MPCA published notification of the intent to approve the creation of the Wheeler's Point Sanitary District in the *State Register* on May 1, 2006. The MPCA also notified all property owners in the affected areas by mail of the notification published in the *State Register*.

The MPCA, after having considered the petition, publishing notice of intent to approve the creation of the sanitary district in the *State Register*, having notified the property owners of the intent to create the district, having not received comment letters during the notice period, having not received 25 or more hearing requests requisite for a hearing, and being fully advised in this matter, hereby makes the following:

FINDINGS OF FACT

1. The area of the proposed sanitary district is located in Lake of the Woods County, Minnesota.
2. The area proposed for formation of the sanitary district is legally described as:
All those portions of Government Lots 3, 4 and 5, the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, Section 24, Township 162 North, Range 32 West, Lake of the Woods County, Minnesota, lying easterly and southerly of the center line of State Trunk Highway No. 172. And that portion of Government Lot 1, said Section 24, described as follows: Beginning at the southwest corner of said Government Lot 1; thence North 0°00' 19" West along the West boundary of said Government Lot 1 a distance of 248.00 feet; thence North 89°47' East a distance of 995 feet, more or less, to the shore of Four Mile Bay; thence southerly along said shore to the intersection of the South line of said Government Lot 1; thence West along said South line 1,038 feet, more or less, to the point of beginning; and Government Lot 2, said Section 24, less the South 811 feet thereof; and

Government Lot 1, Section 19, Township 162 North, Range 31 West, Lake of the Woods County, Minnesota.

A map displaying the boundaries of the proposed sanitary district is available at the MPCA.

3. On August 25, 2005, a public meeting was held at the Lake of the Woods County Courthouse to consider the proposed creation of a sanitary district. Notice of the public meeting was published at least once each week for two weeks in the *Northern Light* and also in *The Baudette Region*, local qualified newspapers published in the area. The Notice was published on August 10, 2005, and August 17, 2005, in the *Northern Light*. The Notice was published on August 9, 2005, and August 16, 2005, in *The Baudette Region*. The meeting Notice was posted on August 8, 2005, in the Lake of the Woods County Courthouse.

4. On September 27, 2005, the Lake of the Woods County Commissioners adopted a resolution authorizing the submission of the petition for the creation of the Wheeler's Point Sanitary District. The resolution was published in *The Baudette Region* on October 18, 2005, and became effective forty (40) days after the date of first publication.

5. On February 8, 2006, a petition was filed with the MPCA requesting approval of the creation of the Wheeler's Point Sanitary District. The Chairman of the Lake of the Woods County Board signed the petition for creation of the district as authorized by the resolution. The petition requesting for the creation of a sanitary district has met all the requirements of *Minnesota Statutes* § 115.20, subd. 1(a).

Commissioner's Orders

6. The proposed sanitary district is not within twenty-five (25) miles of the boundary of a city of the first class.

7. On May 1, 2006, the MPCA published the Notice of Intent to Approve the Creation of the Wheeler's Point Sanitary District in the *State Register* at 29 SR 954. The Notice was mailed to each of the property owners in the area of the proposed district using addresses provided by the county auditor. The public notice period lasted for 30 days and ended May 30, 2006.

8. By May 30, 2006, the end of the public notice period, the MPCA received no requests for a contested case hearing on the matter. *Minnesota Statutes* § 115.20, subd. 4(b) requires the MPCA to hold a contested case hearing if twenty-five (25) or more written requests are received by the end of the public notice period. During the public notice period, the MPCA received no comments regarding the annexation.

9. There is a need throughout the territory of the proposed district for an adequate and efficient means of treating and disposing of domestic sewage. On-site residential sewage treatment inspections conducted in the proposed district provided clear evidence suggesting that a very small percentage of the residences, business and community facilities had existing sewage treatment systems that met the State Individual Sewage Treatment System Code, Chapter 7080. It would be extremely difficult for nearly all of the residences and businesses to upgrade or install new individual treatment systems to meet code standards.

10. The creation of the Wheeler's Point Sanitary District will serve the purpose of promoting the public health and welfare by providing an adequate and efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage within the district.

11. The maintenance of the sanitary district is administratively feasible and furthers the public health, safety, and welfare. The district will be administered by a five member governing board who are voters within the sanitary district and who are elected by members of the governing body. When formed, the Wheeler's Point Sanitary District will adopt sewer use ordinances and a sewer service charge system to adequately and equitably fund the wastewater treatment operation throughout the district.

12. Pursuant to *Minnesota Statutes* § 115.23, the Lake of the Woods County Board of Commissioners has been designated as the central related governing body.

CONCLUSIONS

1. The MPCA Commissioner has subject matter jurisdiction over the petition and annexation pursuant to *Minnesota Statutes* §§ 115.18 to 115.37 (2000).

2. The petitioners have substantially complied with all the procedural requirements of *Minnesota Statutes* § 115.20, as well as other substantive and procedural requirements of law and rule. This matter, therefore, is properly before the MPCA Commissioner.

3. The conditions described in *Minnesota Statutes* § 115.19 for creation of a sanitary district do exist within the area identified in the legal description.

4. The MPCA is not required to hold a hearing pursuant to *Minnesota Statutes* § 115.20, subd. 4(b).

5. Any of the foregoing Findings of Fact that might properly be termed Conclusions and Conclusions that might be properly termed Findings are hereby adopted as such.

NOW THEREFORE, the MPCA Commissioner hereby makes the following:

ORDER

It is ORDERED that the Wheeler's Point Sanitary District is hereby created to include portions of Lake of the Woods County as identified in the legal description in the petition filed with the MPCA.

Dated:

Sheryl A. Corrigan
Commissioner

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors Wednesday 12 July 2006

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held at 1:00 p.m. on Wednesday, July 12, 2006, at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN. The meeting is taking place to review the responses to MCHA's Request for Proposal (RFP) for the MCHA administrative contract.

For additional information, please call Lynn Gruber or Mary McCaffrey at (952) 593-9609.

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors Wednesday 19 July 2006

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Board of Directors will be held from 9:00 a.m. to 5:00 p.m. on Wednesday, July 19, 2006, at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN. The purpose of the meeting is to interview companies that responded to MCHA's Request for Proposal (RFP) for writing carrier/administrator. The Board may request additional information from the bidders or deliberate on all received information and award the contract.

For additional information, please call Lynn Gruber or Mary McCaffrey at (952) 593-9609.

Department of Employment and Economic Development

Business and Community Development Division

Notice of Public Hearing on Criteria for Awarding Business Subsidies Through the Minnesota Minerals 21st Century Fund

NOTICE IS HEREBY GIVEN that the Department of Employment and Economic Development will conduct a public hearing required by *Minnesota Statutes* 116J.994, Subdivision 5.

This hearing will provide interested parties and organizations with an opportunity to comment on the criteria as it pertains to the financial assistance for Franconia Minerals Corporation from the Minnesota Minerals 21st Century Fund. The hearing will be conducted on August 3, 2006, beginning at 10:00 am in Suite 200E on the 2nd floor of the 1st National Bank Building, 332 Minnesota Street, St. Paul, Minnesota. Information about the business subsidy, including a summary of the terms is available at the Department of Employment and Economic Development.

For more information contact:

Jeffrey M. Nelson
Financial Services Industry Specialist
Department of Employment and Economic Development
1st National Bank Building, Suite E200
332 Minnesota Street
St. Paul, Minnesota 55101-1351
Phone: (651) 282-6619

Department of Human Services

State Operated Services Division

Public Notices of the Disproportionate Population Adjustment for State Regional Treatment Centers and Final Payment Rates for the State Regional Treatment Centers

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance (MA) Program, and to the public, of final disproportionate population adjustment (DPA) and the payment rates for Regional Treatment Centers under the MA Program. This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish final payment rates for institutional providers, the methodologies underlying the establishment of such rates, and the justification of such rates.

In conjunction with the current state fiscal year's budget for Regional Treatment Centers, as appropriated by the legislature, payment rates are determined in accordance with *Minnesota Statutes*, §246.50, subdivision 5.

The DPA adjustments for admissions occurring during State Fiscal Year 2007 as published on May 30, 2006 at 30 SR 1300, are final and effective July 1, 2006.

Final payment rates in effect as of July 1, 2006 are as follows:

Facility	Adult Mental Illness	Mental Retardation	Psychopathic Personality	Nursing Facility
Anoka	\$ 618			
- Anoka Transition Services	\$ 248			
Brainerd	\$ 1,605			
- Community Behavioral Health Hospitals	\$ 850			
Fergus Falls	\$ 1,829			
Eveleth	\$ 528			
MSH¹	\$ 588			
- MSH Transition Services	\$ 208			
- Treat to Competency	\$ 250			
- Forensic Adolescents	\$ 1,842			
Willmar	\$ 1,068			
Minnesota Extended Treatment Options		\$ 827		
Minnesota Sex Offender Program²			\$ 387	
Ah-Gwah-Ching				\$ 801

¹ Minnesota Security Hospital on the St. Peter facility campus

² Moose Lake facility and the satellite program on the St. Peter facility campus

Questions and comments may be directed to Lynn Glancey, Minnesota Department of Human Services, State Operated Services Division, 444 Lafayette Road North, St. Paul, MN 55155-0979, **Phone** (651) 431-3690 or **Email:** Lynn.Glancey@state.mn.us.

Official Notices

Department of Labor and Industry Labor Standards Unit

Notice of Corrections to Commercial Prevailing Wage Rates for Electricians, Equipment Operators and Plasters in Various Counties

Corrections have been made to the Commercial Prevailing Wage Rates certified 12/27/05, for **Labor Code 407** Electricians, in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Redwood, Watonwan, and Yellow Medicine Counties.

A **correction** was made to the Commercial Prevailing Wage Rates certified 12/27/05, for **Equipment Operators, Group 1** in Jackson county.

A **correction** was made to the Commercial Prevailing Wage Rates certified 12/27/05 for **Labor Code 418** Plasterers, in Stearns County.

Copies with the corrected certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.doli.state.mn.us. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

M. Scott Brener
Commissioner

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Notice of Availability of the revised Mercury TMDL and the Response to Comments for the Draft Regional Mercury Total Maximum Daily Load (TMDL) Study

The Minnesota Pollution Control Agency (MPCA) has placed on the Agency web site a Responsiveness Summary to the comments received during the 90-day formal public comment period. This Responsiveness Summary and the revised mercury TMDL can be found at the following web site: <http://www.pca.state.mn.us/water/tmdl/tmdl-mercuryplan.html>.

The draft mercury TMDL was placed on formal public notice from July 18 to October 18, 2005. In addition, eight public informational meetings were held throughout the state between July 14 and July 25, 2005. During the formal 90-day public comment period, we received 973 comments, by letter, e-mail, postcard, or petition. The Agency separated the comments received into 92 issues. The large majority of the issues are related to the implementation planning that will occur after the TMDL is approved by US EPA. EPA will not review implementation comments, or our responses, but they are going to be a key component as the Agency and its partners develop approaches to implementation during the year following approval of the TMDL study.

A small number of changes have been made to the Mercury TMDL to clarify and improve the accuracy of some statements. As one example, a paragraph was added that describes the process for calculating the standard size fish mercury concentration. In another modification, mercury in wastewater discharges from coal-fired power plants (very minor sources) were added to the wasteload calculations. The Agency does not consider these changes significant because they do not change the final TMDL components of wasteload allocation, load allocation, margin of safety, or the mercury emissions reduction goal of 93%.

The revised Appendix A (Impaired Waters Covered by the Statewide Mercury TMDL) only contains impaired waters that meet the following criteria: (1) fish samples were collected since 1990, (2) size class means contain more than one fish, (3) size classes are less than 30 inches for northern pike and less than 20 inches for walleye; no muskellunge are evaluated, and (4) maximum mercury concentration for a size class mean is less than 0.572 ppm. The resulting list of waters meeting these criteria includes 329 lakes and 18 rivers; previously Appendix A contained 824 lakes and 43 rivers. Those lakes and rivers not contained in Appendix A will remain on the Agency's 2006 list of impaired waters.

The next step is an appearance before the Agency Citizens' Board recommending that the revised Draft Mercury TMDL be forwarded to US EPA for their review and approval. We are scheduled to present this at the July 25, 2006 Board meeting.

Agency Contact Person: Questions or requests to receive a paper copy of either the revised mercury TMDL or the Responsiveness Summary to comments received should be directed to:

Howard D. Markus, Ph.D., P.E.
Research Scientist 3
Environmental Analysis & Outcomes
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

(651) 296-7295
1-800-657-3864
E-mail: *howard.markus@pca.state.mn.us*

Minnesota Board of Teaching

Request for Comments Regarding Proposed *Minnesota Rule 8710.4770* Which Would Permit Currently Licensed 9-12 or 7-12 Science Teachers, Licensed Under *Minnesota Rule 8710.4750*, to Become Licensed in an Additional Science Content Area by Passing the Appropriate Praxis II Content Test

Subject of Rules. The Board of Teaching requests comments on its proposed rule 8710.4770 permitting 9-12 or 7-12 Science teachers, licensed according to *Minnesota Rule 8710.4750*, with at least three years of science teaching experience, to add an additional content area of science licensure at the 9-12 level by providing evidence of passing the required PRAXIS II science content exam for the desired science discipline of licensure: either chemistry, earth and space science, life science, or physics by taking and passing the appropriate Praxis II test.

Persons Affected. The rule would likely affect teachers, school districts, colleges and universities with teacher preparation programs, students, parents and educational organizations and institutions in Minnesota.

Statutory Authority. *Minnesota Statutes*, section 122A.09, subdivision 4, grants authority to the Board of Teaching to adopt rules regarding teacher licensure and renewal.

Public Comment. Interested persons or groups may submit comments or information on these proposed rules in writing until 4:30 p.m. on September 15th, 2006.

Rules Drafts. A preliminary draft of the rule has been prepared and is enclosed with the mailed copies of this Request for Comments, and can be obtained from the Agency Contact person.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rule, and requests for more information on this proposed rule should be addressed to: Allen Hoffman, Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113-4266. Mr. Hoffman's telephone number is 651.582.8888 and the fax number is (651) 582-8872. TTY users may call the Board at (651) 582-8201.

Alternative Format. Upon request this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: *Comments received in response to this notice will not necessarily be in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.*

DRAFT RULES

8710.4770 Teachers of Science Endorsement Licensure via examination

Subpart 1: Scope of practice: A teacher of science is authorized to provide instruction in chemistry, earth and space science, life science, or physics to students in grades 9-12. The science discipline that the teacher is qualified to teach shall be identified on the teacher's license.

Subpart 2: Qualifications for licensure via examination: An applicant for 9-12 science endorsement licensure via examination to teach chemistry, earth and space science, life science, or physics to students in grades 9-12 shall:

- A. hold a Minnesota full professional license valid for classroom teaching as defined in part 8710.4750 for chemistry, earth and space science, life science, or physics for student grade levels 9-12 or 7-12.
- B. have completed three years of science teaching in the grade level of 7-12 or 9-12.
- C. provide evidence of passing the required PRAXIS II science content exam for the desired science discipline of licensure: either chemistry, earth and space science, life science, or physics

Subpart 3: Professional License: A professional license shall be issued and renewed according to the rule of the Board of Teaching governing licensure.

Subpart 4: Effective Date: Requirements in this part for endorsement licensure via examination for specific science disciplines are effective on the date that the rule is adopted and thereafter.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration

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Department of Administration

State Architect's Office

Notice of Availability of Request for Proposal (RFP) to Provide Design Services as Required to Meet the Needs of Minnesota State Operated Community Services (MSOCS) Residential Homes

The State of Minnesota through its Department of Administration, State Architect's Office ("State") is soliciting proposals for Design services as required to meet the needs of Minnesota State Operated Community Services (MSOCS) residential homes. Projects may need licensed architectural, structural, mechanical, electrical, and civil engineering design, bidding, and construction administration services as required for repair, renovation and small addition projects for MSOCS homes throughout the state.

The State Architect's Office intends to enter into a Professional and Technical Services Master Contract (Master Contract) with Responders meeting the criteria noted in the RFP. Multiple Responders may be offered a Master Contract to perform work. Projects will vary in nature and scope.

The full Request for Proposal is available at www.sao.admin.state.mn.us click on "Solicitation Announcements", click on "RFP MSOCS Homes". If interested firms and individuals are unable to access a copy of the complete RFP from State's Web Site, email mary.golike@state.mn.us or fax your request to (651) 296-7650 to have a copy emailed, mailed, or faxed to requester.

Written proposal responses must be received no later than, than **3:00 p.m. Central Time on Thursday, August 3, 2006**, RFP clarifications or changes and responses to questions, if any, will also be available on Web Site www.sao.admin.state.mn.us, click on "Solicitation Announcements", click on "RFP for MSOCS homes". Late responses will not be considered.

Questions may be **faxed** to attention of Mary Golike at (651) 296-7650 or e-mailed to mary.golike@state.mn.us. Questions must be received no later than **4:00 p.m. on Monday, July 17, 2006** and response to questions will be available by end of day **Thursday, July 20, 2006** on Web Site www.sao.admin.state.mn.us. The contact person identified is to be the only person authorized to respond to questions.

Department of Administration**State Architect's Office****Notice of Request for Proposals (RFP) and Fee Schedule for Professional Industrial Hygiene Services**

The State of Minnesota (State) through its Department of Administration's State Architect's Office (SAO), requests proposals and fee schedules from firms and individuals (Responder) to provide industrial hygiene services, including but not limited to, project management, testing, sample collection and analysis, and surveys for abatement of asbestos and other hazardous materials. Services include on-site air monitoring and daily electronic log reports, site surveys, on-site and bulk material collection, sampling and analysis, recommendations, and reports for hazardous materials projects.

The State Architect's Office intends to enter into a Professional and Technical Services Master Contract (Master Contract) with Responders meeting the criteria noted in the RFP. Multiple Responders may be offered a Master Contract to perform work. Projects will vary in nature and scope, and will involve emergency response services, new construction, and remodeling.

The Master Contracts will be used by the State Architect's Office on most or all state projects required to be done under the authority of the Commissioner of Administration. This includes, but is not limited to, projects done for the Departments of Administration, Corrections, Human Services, and Veterans Affairs, as well as the Minnesota State Academies, Minnesota State Retirement Systems, Perpich Center for Arts Education, and Veterans Home Board.

Those firms currently having Master Contracts must submit responses to this RFQ to be considered for new Master Contracts. **All current Master Contracts for industrial hygiene services will cease to have work orders placed against them upon execution of the new master Contracts, and will be terminated when all remaining work orders are completed.**

Note that an abatement firm, or employees of a firm for an asbestos and/or other related hazardous materials abatement contractor, are not eligible to respond to this RFP.

The Request for Qualifications document may be found online at: www.sao.admin.state.mn.us. Copies of the RFQ may also be requested from:

Contracts Officer
State Architect's Office
301 Centennial Building, 658 Cedar Street
St. Paul, MN 55155-1625
(651) 201-2399

Department of Administration**Notice of Availability of Request for Proposal (RFP) for Designer Selection for:
Minnesota Veteran's Home – Fergus Falls, Special Care Unit
(State Designer Selection Board Project No. 06-11)**

The State of Minnesota, acting through its Department of Administration, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the State Architect's Office website: www.sao.state.mn.us, click on "Solicitations and Announcements."

A mandatory informational meeting will be held on Monday, July 17 at 1 PM at the Minnesota Veterans Home, 1821 North Park Street, Fergus Falls, Minnesota. All firms interested in this meeting should contact Glenn Metz at (651) 296-2385 or e-mail:

Glenn.Metz@state.mn.us

to sign up for attending the meeting.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625; Telephone: (651) 201-2372 in the State Architect's Office, not later than 1:00 P.M., Tuesday, July 24, 2006. Late responses will not be considered.

The State of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

State Contracts

Department of Administration

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Minnesota Veteran's Home – Hastings, Affordable Permanent Housing (State Designer Selection Board Project No. 06-10)

The State of Minnesota, acting through its Department of Administration, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the State Architect's Office website: www.sao.state.mn.us, click on "Solicitations and Announcements."

A mandatory informational meeting will be held on Thursday, July 13, 2006 at 9:00 AM CDT at the Minnesota Veterans Home – Hastings Administration Building, 1200 E. 18th Street, Hastings, MN 55033. The meeting will include a tour of the proposed project areas and a review of the scope of work. All firms interested in this meeting should contact Jim Scott at (651) 201-2389 or email Jim.A.Scott@State.mn.us to sign up to attend the meeting.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625; Telephone: (651) 201-2372 in the State Architect's Office, not later than 1:00 P.M., Tuesday, July 31, 2006. Late responses will not be considered.

The State of Minnesota is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Colleges and Universities, Minnesota State (MnSCU)

Alexandria Technical College

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Law Enforcement Center (State Designer Selection Board Project No. 06-06)

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Alexandria Technical College, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements."

An informational meeting is tentatively scheduled for **1:00 PM**, July 12, 2006 in **Room 100** of main building, Alexandria Technical College, 1601 Jefferson Street, Alexandria, MN 56308. All firms interested in this meeting should contact David Bjelland at (320) 762-4407, **E-mail:** davidb@alextech.edu to sign up for attending the meeting.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625 - (651) 201-2372 - not later than 1:00 P.M., Monday, July 24, 2006. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Colleges and Universities, Minnesota State (MnSCU)

Bemidji State University

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Sattgast Hall Science Addition and Renovation (State Project No. 06-03)

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Bemidji State University, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements."

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An informational meeting is tentatively scheduled for **1:00 PM**, July 19, 2006 in the **Oziwindib Room** of Hobson Memorial Union, Bemidji State University, 1500 Birchmont Drive N.E., Bemidji, MN 56601-2699. All firms interested in this meeting should contact Jeff Sande, (218) 755-3988, **E-mail:** JSande@bemidjistate.edu to sign up for attending the meeting.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, 301 Centennial Office Building in the State Architect's Office, 658 Cedar St., St. Paul, MN 55115-1625 - (651) 201-2372 - in the State Architect's Office, not later than 1:00 P.M., Tuesday,

July 25, 2006. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota Historical Society

Notice of Request for Bids for Printing Services – CABINS OF MINNESOTA

The Minnesota Historical Society, dba the Minnesota Historical Society Press/Borealis Books, is seeking bids from qualified firms for the printing of the book entitled *Cabins of Minnesota* (6,000 casebound books, plus additional 1,000s and 1,000 flat & trimmed jackets to ship to warehouse with books).

The schedule is as follows: December 15, 2006 - all to printer; April 15, 2007 - finished books at the Society's warehouse and Press.

The Request for Bids is available by calling or writing Mary Green-Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Blvd. W., St. Paul, MN 55102. Telephone is (651) 297-7007; e-mail is mary.green-toussaint@mnhs.org.

Bids must be received no later than 2:00 p.m., Local Time, Wednesday, August 2, 2006. A public bid opening will be conducted at that time. No late bids will be accepted.

Dated: July 10, 2006

Minnesota Historical Society

Notice of Request for Proposals for Professional Architectural and Engineering Services to Design New Fort Snelling Museum in Historic Cavalry Barracks Buildings

The Minnesota Historical Society is seeking proposals from qualified firms to provide professional architectural and engineering services to design the new Fort Snelling Museum in the Historic Cavalry Barracks Buildings. Design issues include, but are not limited to, sustainable design for preservation and adaptive re-use of four National Historic Landmark structures and for new structures, as well as parking and infrastructure revisions and upgrades. The new Fort Snelling Museum will include exhibition galleries, auditorium, classrooms, event spaces, museum stores, food services, visitor services, archaeology laboratories, and staff offices.

The Request for Proposals is available by contacting Mary Green Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, Minnesota 55102. Telephone: (651) 297-7007; e-mail: mary.green-toussaint@mnhs.org.

There will be a **mandatory** pre-proposal meeting for all interested parties at 9:00 a.m. Local Time on Tuesday, July 18, 2006 at Historic Fort Snelling's Visitor Center, located at the junction of Minnesota Highways 5 and 55, one mile east of the Minneapolis-Saint Paul International Airport.

All proposals are **due no later than 2:00 p.m.** Local Time on **Tuesday, August 1, 2006**. A public opening of the proposals will be conducted at that time. Late proposals will not be considered.

Dated: July 10, 2006

Minnesota Department of Human Services

Performance Measurement and Quality Improvement Division

Notice of Request for Proposals to assist with the 2007 & 2010 Minnesota Student Survey

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) is interested in contracting for professional and technical services with a qualified vendor to secure and manage the printing of the Minnesota Student Survey (MSS) instrument and

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validate that the printing is compatible with an OPScan 6 reflective read head scanner; carry out the packaging, distribution and collection of the MSS with participating Minnesota school districts and juvenile correctional facilities; conduct production-level optical mark read scanning of completed surveys utilizing OPScan 6 reflective read head scanners; and produce data files in ASCII format of the surveys scanned. DHS is requesting proposals only from vendors that are located within the State of Minnesota.

The term of any resulting contract is anticipated to be from September 1, 2006 through August 31, 2008, with the option for a two year and one year extensions.

Responders will be responsible for all costs and expenses incurred in responding to the RFP. DHS reserves the right to proceed in whatever manner it perceives to be in its best interest, and may cancel this RFP at any time and/or choose not to purchase any services or solutions from outside sources.

A copy of the complete Request for Proposals and attached documents can be obtained from the DHS website at www.dhs.state.mn.us (Grants and RFP section) or a paper copy by contacting:

Sara Koppe
Performance Measurement and Quality Improvement Division
Minnesota Department of Human Services
PO Box 64986
St. Paul, MN 55164-0986
Telephone: (651) 431- 2616
Fax: (651) 431-7422
E-mail: sara.koppe@state.mn.us

Proposals must be received (not postmarked) at the following address no later than 4:00 p.m. Central Standard Time on August 07, 2006:

Request for Proposal Response
Attention: Sara Koppe
Performance Measurement and Quality Improvement Division
Minnesota Department of Human Services
444 Lafayette Road North
St. Paul, MN 55155

State Board of Investment

Notice of Request for Proposals for a Consultant or Consultants to Assist the Board in Carrying out Its Fiduciary Responsibilities

The State Board of Investment (SBI) is soliciting proposals for consulting services. This request for proposal is designed to obtain a consultant or consultants to advise the SBI in the areas of investment objectives, asset allocation, manager selection, performance measurement and evaluation, and other operational needs.

All interested vendors should contact the person named below by letter or telephone to request a copy of the Request For Proposal.

Mansco Perry III
Minnesota State Board of Investment
60 Empire Drive, Suite 355
St. Paul, MN 55103-3555
Telephone: (651) 296-3328

All proposals must be received at the address listed above on or before 3:00 P.M. Central Daylight Time on Wednesday, July 26, 2006. No proposals received after that date and time will be considered.

Supreme Court

Trial Court - Seventh Judicial District

Request for Proposals for Courtroom Upgrades for the Seventh Judicial District (Sound System Upgrades)

The Seventh Judicial District of Minnesota will accept proposals of courtroom sound system upgrades. The project will include sound system upgrades to provide maximum acoustical efficiency in the courtrooms including integration of digital recording systems, bench conferencing, teleconferencing equipment, ITV equipment, encrypted wireless microphones, tabletop microphones and assistive listening devices. Each responder should evaluate each location to determine what components may be reused, which components need to be added and/or integrated. Each responder should have the capability to provide all of the integrations pieces. The completed project will be performed according to the specifications described in the detailed Request for Proposal document. The installation of all locations should be completed by June 30, 2007.

The Seventh Judicial District reserves the right to accept or reject any and all proposals, waive defects in any bid proposal and to accept the proposal or any part thereof that appears, in the opinion of the District, most advantageous to the objectives of the project.

Responder Inquiries

Any initial inquiry period is set for all interested Responders to perform a detailed review of the courtroom upgrades. All courtrooms can be reviewed in the ten courthouses located in the Seventh Judicial District. Responders should discuss with on-site Court Administrators the needs of each courtroom. Responders may submit any written questions relative thereto.

The Seventh Judicial District will only consider written and timely communications from Responders. An authorized representative of the Responder shall submit inquiries in writing. Only those inquiries received by the established deadline shall be considered by the Seventh Judicial District. Answers to questions that change or substantially clarify the solicitation shall be issued by addendum and provided to all perspective Responders.

Inquiries concerning this solicitation may be delivered by mail, express courier, e-mail, hand or fax to:

Marcia Setrum
Assistant District Administrator
Stearns County Courthouse Room 406
St. Cloud, MN 65303
Telephone: (320) 656-3650
Fax: (320) 656-3646
E-mail: marcia.setrum@courts.state.mn.us
By 4:30 p.m. CST on July 28, 2006

Initial inquiries shall not be entertained after the inquiry deadline.

Proposal Submission Deadline

Final Written Proposals must be submitted to Marcia Setrum at the address indicated above no later than 4:30 p.m. CST on Friday August 18, 2006.

Supreme Court and Court of Appeals

Request for Proposals for a Contract for Internet Access to Legal Research Databases for Appellate Court Personnel

NOTICE IS HEREBY GIVEN that the State of Minnesota, through its appellate courts, requires Internet access to a variety of primary and secondary source legal research databases from Minnesota and other jurisdictions. Experience has indicated that access to automated legal databases can provide timely, extensive, efficient, and cost effective access to legal materials for judges, law clerks, staff attorneys and other court employees. In addition the appellate courts request a proposal for the provision of CD Rom access to Minnesota case law and annotated Minnesota statutory material. The Supreme Court and Court of Appeals each request proposals from vendors who are able to provide such access to court offices described in Appendix I, Request for Proposals.

This is not a request for a bid but a request for a proposal that could become the basis for negotiations leading to a contract for court access to vendor compiled and designed legal research databases and services and/or vendor secondary research materials available on-line as outlined in Appendix I, the Request for Proposals. A sample Contract Provisions is attached. Other documents relative to the request are attached as additional appendices. The state is not obligated to respond to any proposal submitted nor is it legally bound in any manner

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whatsoever by the submission of a proposal. The state reserves the right to cancel or withdraw the request for proposal at any time if it is considered to be in its best interest. In the event the request for proposals is cancelled or withdrawn for any reason, the state shall have no liability to any responder for any costs or expenses incurred in connection with this request for proposals or otherwise. The state also reserves the right to reject any or all proposals, or parts of proposals, to waive any informalities therein, and to extend proposal due dates.

Copies of the complete Request for Proposals can be obtained from the Legal Counsel Office of the State Court Administrator, 140 Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155 or by calling (651) 297-7802.

For more information contact:

Judith L. Rehak
Senior Legal Counsel
140 Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155
Telephone: (651) 297-7800
E-mail: judy.rehak@courts.state.mn.us

This is the only person designated to answer questions regarding this Request for Proposals.
The deadline for the submission of proposals is July 28, 2006.

Dated: June 21, 2006

Judith L. Rehak, Senior Legal Counsel
State Court Administration
Minnesota Supreme Court

Department of Transportation (Mn/DOT) Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Ron Bisek at (651) 296-1361 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed the Consultant Pre-qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and application forms are available on Mn/DOT's **web site** at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Ron Bisek
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult.

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Metropolitan Council - Metro Transit

Update of Twin Cities Mode Choice Model

Metro Transit, a division of the Metropolitan Council, is seeking the services of a consulting firm to re-estimate model coefficients and re-calibrate model constants of its mode choice model using recently collected transit on-board survey data.

Proposals are due by 2:00 p.m. on July 31, 2006.

Firms interested in receiving the Request for Proposals document should contact:

Candace Osiecki
Metro Transit
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5060
Fax: (612) 349-5069
E-mail: Candace.Osiecki@metc.state.mn.us

University of Minnesota

Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

